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FACSIMILE TRANSMISSION COVER SHEET

DATE: November 22, 2004

TO: Examiner Arun S. Phasge
Group Art Unit 1753
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RE: U.S. Patent Application No. 09/945,354
For: CHROMATOGRAPHY AND OTHER ADSORPTIONS USING MODIFIED
CARBON CLAD METAL OXIDE PARTICLES
Our Ref: 00124CIP (3600-312-01)

FROM: Luke A. Kilyk, Esq. 

FAC. TEL. NO.: 1-703-872-9306

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 4

Items Attached: Response to Election of Species Requirement and Restriction Requirement -- 3 pages

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Donald S. Prater
Name (Print)


Signature

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Donald S. Prater
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Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: KYRLIDIS et al)	Examiner: Arun S. Phasge
)	
Application No.: 09/945,354)	Group Art Unit: 1753
)	
Filed: August 31, 2001)	Confirmation No.: 1450
)	
Docket No.: 00124CIP (3600-312-01))	Customer No. 33432

For: CHROMATOGRAPHY AND OTHER ADSORPTIONS USING MODIFIED
CARBON CLAD METAL OXIDE PARTICLES

RESPONSE TO ELECTION OF SPECIES REQUIREMENT
AND RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 22, 2004

Sir:

This Response to Election of Species Requirement and Restriction Requirement is in response to the Office Action dated October 20, 2004, for which the Examiner has set a one-month period for response, thus making the response due on or before November 22, 2004. November 20th and 21st were a Saturday and Sunday, respectively.

In the Office Action, the Examiner sets forth a three-way restriction requirement wherein Group I, claims 1-4, 7-10, and 77-79 are drawn to a chromatography column and method; Group II, claims 11, 12, and 15 are drawn to an electrophoresis apparatus and method; and Group III, claims 13 and 14 are drawn to a membrane separation.

To be responsive, the applicants elect, with traverse, Group I, encompassing claims 1-4, 7-10, and 77-79 for examination. As discussed below, claims 5-6, 16-76, and 80-83 will also be part

Response To Restriction Requirement
U.S. Patent Application No. 09/945,354

of this election.

The applicants believe that the remaining claims, namely claims 11-15 should be examined at this time since there appears to be no serious burden on the part of the Examiner to search the entire scope of the claims. It is believed that the subject matter has the same concept from the stand point that the searches would overlap.

Also, at page 3 of the Office Action, the Examiner set forth an Election of Species Requirement with respect to the present application.

In particular, the Examiner requested that applicants elect one of species 1) chromatography or 2) electrophoresis for purposes of claims 5-6, 16-76, and 80-83.

To be responsive, applicants elect with traverse the species "chromatography" as the species for examination with respect to claims 5-6, 16-76, and 80-83.

With respect to this election of species, the claims that read upon this election include claims 5-6, 16-76, and 80-83 as well as Group I.

The applicants believe that the remaining species can be examined at this time since there appears to be no serious burden on the part of the Examiner to search the entire scope of the claims. At a minimum, the Examiner should proceed with examination of the remaining species upon determining the patentability of the elected species.


Under M.P.E.P. § 803, if there is no serious burden in the examination of all of the claims even if the claims are directed to separate inventions, the Examiner must examine all claims at this time. It would appear that § 803 applies to the current situation and therefore the restriction requirement should be withdrawn and all claims should be examined at this time.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. §

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1.136 not accounted for above, such extension is requested and should also be charged to said
Deposit Account.

Respectfully submitted,



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